

Louisiana Law Review

CONTENTS

Issue Number 1

ARTICLES

- The Judicial Revival of Louisiana's Civilian Tradition:
A Surprising Triumph for the American Influence
Kenneth M. Murchison 1
- The Collateral Mortgage: Logic and Experience
Max Nathan, Jr.
Anthony P. Dunbar 39
- Mistaken Transfer and Profitable Infringement on Property
Rights: An Economic Analysis
Peter K. Huber 71

COMMENTS

- The Distinction Between *Negotiorum Gestio* and Mandate
Leland H. Ayres
Robert E. Landry 111
- Surrogate Motherhood Contracts in Louisiana: To Ban or
to Regulate?
Barbara L. Keller 143
- Federal Preemption of State Law Environmental Remedies
After *International Paper Co. v. Ouellette*
Scott C. Seiler 193
- The Application of Quantum Meruit to Attorney Fee
Litigation
H. David Vaughan, II 215

Issue Number 2

ARTICLES

- Admiralty *Marie R. Yeates, Phillip B. Dye, Jr. and*
Michael D. Fisse 237
- Banking *Ronald L. Hersbergen* 259

Business Associations	<i>Glenn G. Morris</i>	277
Civil Procedure	<i>William R. Forrester, Jr.</i>	303
Consumer Protection	<i>Ronald L. Hersbergen</i>	315
Criminal Procedure	<i>Cheney C. Joseph, Jr.</i>	329
Insurance	<i>W. Shelby Mckenzie and H. Alston Johnson</i>	349
Local Government	<i>Kenneth M. Murchison</i>	367
Louisiana Constitution	<i>John Devlin</i>	395
Matrimonial Regimes	<i>W. Lee Hargrave</i>	421
Mineral Rights	<i>Patrick H. Martin</i>	433
Obligations	<i>Bruce V. Schewe and Robert L. Theriot</i>	463
Professional Responsibility	<i>Warren L. Mengis</i>	487
Security Devices	<i>Michael H. Rubin</i>	495
Successions and Donations	<i>Cynthia Samuel</i>	517
Torts	<i>William E. Crawford</i>	543
Workers' Compensation	<i>H. Alston Johnson</i>	549

Issue Number 3

ARTICLES

A Primer on the Louisiana Products Liability Act	<i>John N. Kennedy</i>	565
The Louisiana Products Liability Act: Making Sense of It All	<i>Thomas C. Galligan</i>	629
The Louisiana Code of Evidence—A Retrospective and Prospective View	<i>George C. Pugh Robert Force Gerard A. Rault, Jr. Kerry J. Triche</i>	689

- An Overview of the New Louisiana Code of Evidence—Its
Imperfections and Uncertainties
Gerard A. Rault, Jr. 697
- The Current State of Evidentiary Privileges in Louisiana
Robert Force
Kerry J. Triche 733
- Statutory Damage Caps Are an Incomplete Reform: A
Proposal for Attorney Fee Shifting in Tort Actions
Gregory A. Hicks 763

Issue Number 4

ARTICLES

- Of Legal Usufruct, the Surviving Spouse, and Article 890 of
the Louisiana Civil Code: Heyday for Estate Planning
A.N. Yiannopoulos 803
- Ineffective Assistance of Counsel in Voir Dire and the
Admissibility of Testimony of *Witherspoon* Excluded
Veniremen in Post-Conviction Evidentiary Hearings
Steven C. Bennett 841

COMMENTS

- The Status of Private Searches Under the Louisiana
Constitution of 1974
Connell L. Archey 873
- Equal Protection—The Louisiana Experience in Departing From
Generally Accepted Federal Analysis
Michael Lester Berry, Jr. 903
- Take-or-Pay Payments and Settlements—Does the Landowner
Share?
Angela Jeanne Crowder 921
- Retroactive Application of the Louisiana Products Liability
Act: A Civilian Analysis
Charles Joseph Duhe, Jr 939
- Uninsured Motorist Coverage for Hit-and-Run Vehicles: The
Requirement of Physical Contact
Ronald W. Whitney 955

NOTES

- In Re J.M.P.*: The Louisiana Supreme Court Speaks in the
Area of Private Adoption

Mark Alan Bodron 971

- Murray v. Ramada Inns, Inc.*: The Expansion of Duty: A Step
Towards the Reestablishment of Proximate Cause

James Michael Chamblee 1003

Issue Number 5

ARTICLE

- Revolutions and Constitutions

Louis Henkin 1023

FORUM JURIDICUM

- Church Autonomy in the Constitutional Order: The End of
Church and State

Gerard V. Bradley 1057

COMMENTS

- Relation Back of Consortium Claims: A Search for Facts and
Notice

William B. Hidalgo 1089

- The Liability of Co-Makers of Promissory Notes: Joint or
Solidary?

Gary Finis Strickland 1107

- Can a Louisiana Unit Order be Effective Retroactively?

Stephen Schilde Williams 1119

NOTES

- Butler v. Baber*: Absolute Liability for Environmental Hazards

John C. Anjier 1139

- Howard v. Allstate Insurance Co.*—Louisiana's Attempt at
Comparative Causation

Carla Ann Clark 1163

- First Guaranty Bank v. Baton Rouge Petroleum Center*: The
Louisiana Supreme Court Re-Examines Executory Process
and Deficiency Judgment

Jay B. Mitchell 1177

- Kellis v. Farber*: "Incorporation" Returns to Louisiana Venue
John Mark Tarver 1197

- The Status of Enforcing Fiduciary Duties in a Limited Partnership After *Dupuis v. Becnel Co.*
B. Troy Villa 1217

Issue Number 6

ARTICLES

- The Role of Res Judicata In Recognizing Unitary Status and Terminating Desegregation Litigation: A Response to the Structural Injunction
Hugh Joseph Beard, Jr. 1239
- The Automobile Emissions Control Inspection and Maintenance Program: Making It More Palatable to "Coerced" Participants
Ora Fred Harris, Jr. 1315

COMMENTS

- Civil Code Article 2324: A Broken Path to Limited Solidary Liability
M. Kevin Queenan 1351
- The Environmental Due Diligence Defense and Contractual Protection Devices
Scott C. Seiler 1405